

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Patent Application  
Attorney Docket No. A2247-US-CIP  
(XERZ 2 2 00563-3)

RECEIVED  
CENTRAL FAX CENTER

MAY 29 2007

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

In re Application of: **Richard Bruce, et al.**

Application No.: **10/616,368**

Group Art Unit: **2621**

Filed: **July 09, 2003**

Examiner: **Tabatabai**

For: **APPARATUS AND METHOD FOR DETECTING AND LOCATING RARE CELLS**

The owner, Xerox Corporation, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior Patent No. 7,113,624. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

☒ The undersigned is an attorney or agent of record.

May 29, 2007  
Date

Sue Ellen Phillips  
Signature

FAY SHARPE LLP  
1100 Superior Avenue, Seventh Floor  
Cleveland, Ohio 44114-2579

Sue Ellen Phillips  
Typed or Printed Name

32,046  
Registration No.

**Certificate of Mailing or Transmission**

I hereby certify that this correspondence, and any item referred to herein as being attached or enclosed, are being transmitted to the U.S. Patent and Trademark Office by facsimile in accordance with 37 CFR 1.18 to Centralized Facsimile No. 571-273-8300 on the date indicated below.

May 29, 2007  
Date

Mary M. Schriener  
By: Mary M. Schriener

☒ Please charge \$130 to Deposit Account No. 24-0037 for the terminal disclaimer fee under 37 CFR 1.20(d). (An additional copy of this paper is enclosed.)

05/31/2007 EHAILE1 00000025 240037 10616366  
01 FC:1051 130.00 DA